

Preliminary research and OHS training

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□ Introduction

Employing a worker involves the obligation to ensure safe working conditions. Before admitting an employee to work, the employer must fulfill two basic requirements: **refer the employee for preliminary medical examinations** and **provide initial health and safety training**. These are obligations arising directly from the Labor Code.

□ 1. Preliminary Medical Examinations

□ Legal Basis:

- **Article 229 § 1-4 of the Labor Code**

□ Who does it concern?

Preliminary medical examinations are mandatory for:

- **newly hired employees** (first contract),
- **employees transferred to other positions**, if the new position involves different harmful or burdensome factors,
- **individuals employed under civil law agreements**, if the work is performed in harmful conditions (based on separate health and safety and social insurance regulations).

□ Exemption from Preliminary Examinations (since 2019):

Examinations are not required if:

- the employee was employed **by the same employer** within the last 30 days,

- they have a valid medical certificate **from the same group of positions** and the working conditions have not changed.

□ Documents:

- **Referral for examination** – issued by the employer,
- **Medical certificate** – issued by an occupational health physician.

□ No examinations = no admission to work:

The employee cannot be admitted to work **without valid examinations**. Violation of the regulations may result in a fine ranging from 1,000 PLN to 30,000 PLN (Article 283 of the Labor Code).

□ 2. Health and Safety Training

□ Legal Basis:

- **Article 237³ of the Labor Code**
- Regulation of the Minister of Economy and Labor from 2004 on training in the field of health and safety

□□□ Types of Training:

1. Initial training (general and job-specific instruction):

- Mandatory **before admission to work**.
- Applies to all employees, including trainees and interns.
- Consists of two parts:
 - **General** – health and safety rules in the workplace,
 - **Job-specific** – rules for a specific position.

2. Periodic training:

- Takes place at specified intervals (e.g., every 1, 3, 5, or 6 years – depending on the position).
- Applies to individuals employed in managerial, engineering, administrative, and labor positions.

□ Documentation:

- Confirmation of completed training in personal files (part B).
- The trainer must have qualifications to conduct health and safety training.

□ Sanctions for Non-Compliance

- **Fine** up to 30,000 PLN (Article 283 §1 of the Labor Code)
- Possibility of **compensation** in case of an accident at work if the employee was not trained or examined
- Criminal or civil liability in case of serious violations of health and safety regulations

□ Legal Basis

- **Labor Code**, Article 229 and Article 237³
- **Regulation on Health and Safety (Journal of Laws 2004 No. 180 item 1860)**
- **Regulation on Medical Examinations (Journal of Laws 2016 item 2067)**